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EXAMINER

OSMAN, RAMY M

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/620,495
Filing Date: July 20, 2000
Appellant(s): BROWN ET AL.

MAILED

DEC 14 2006

Technology Center 2100

Joseph B Ryan (Reg No 37922)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 5, 2006 appealing from the Office action mailed December 25, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,626,958	McCauley et al	9-2003
6,421,733	Tso et al	7-2002
6,345,279	Li et al	2-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-5,7,9,12-14 and 16-19 rejected under 35 U.S.C. 102(e) as being anticipated by McCauley et al. (U.S. Patent No. 6,626,958).**

3. In reference to claim 1,18 and 19, McCauley teaches an apparatus, a method, and a corresponding program comprising:

at least one server within a network, the server being operative to process a client request generated by a client device to determine a particular client type associated with the client device (column 5 lines 5-18), to retrieve web content identified in the client request (column 4 lines 33-43),

to retrieve one or more augmentation files associated with at least one of the web content and the particular client type (column 8 lines 6-15), and

to alter the retrieved web content in accordance with the one or more augmentation files, wherein altered web content is delivered to client device (column 6 lines 23-31);

wherein the server parses the retrieved web content into one or more component structures, subsequently applies a pattern matching process to recognize designated component

Art Unit: 2157

structure subject to alteration in accordance with the one or more augmentation files (column 7 lines 1-11, column 8 lines 6-20 & 60-67 and column 9 lines 50-65); and

wherein the pattern matching process comprises comparing a given one of the component structures of the retrieved web content to predetermined component structures represented by respective tokens in the one or more augmentation files (column 8 lines 6-20, column 8 line 60 – column 9 line 15 and column 9 lines 50-65).

4. In reference to claim 2, McCauley teaches the apparatus of claim 1 wherein the client device comprises at least one of a computer, a personal digital assistant, a wireless telephone and a voice browser-equipped device (column 3 lines 54-55).

5. In reference to claim 3, McCauley teaches claim 1 wherein the web content is at least partially in either an HTML or XML format (column 5 lines 35-55 and column 6 lines 1-15).

6. In reference to claim 4, McCauley teaches the apparatus of claim 1, wherein the augmentation files are co-located with the web content at a site remote from the server (column 4 lines 62-65).

7. It would have been obvious for one of ordinary skill in the art to modify McCauley wherein the augmentation files are co-located with the web content at a site remote from the server as per the teachings of Tso for the purpose of efficiently transcoding Internet content that is to be sent to a client so that the content conforms to that client type.

8. In reference to claim 5, McCauley teaches claim 1 wherein an augmentation file comprising a patch file (column 6 lines 35-53 and column 7 lines 5-16).

9. In reference to claim 7, McCauley teaches claim 1 above including the server system distinguishing between clients (Abstract). McCauley further teaches wherein the server

Art Unit: 2157

determines the client type using at least one of an HTTP header element, a client-identifying cookie, and an HTTP GET request QUERY_STRING attribute (column 4 line 66 – column 5 line 15).

10. In reference to claim 9, McCauley teaches claim 1 wherein the pattern matching process utilizes a pattern matching expression comprising of context, pattern, precedence and replacement elements (column 8 lines 8-15 and column 9 lines 55-65).

11. In reference to claim 12, McCauley teaches claim 1 wherein the received client request is associated with a plurality of different client devices and the retrieved augmentation file(s) comprise one or more files for each of the different client devices (column 3 lines 54,55).

12. In reference to claim 13, McCauley teaches an apparatus for use in a computer network, the apparatus comprising:

at least one at least one server within a network, the server being operative to process a client request generated by a client device to determine a particular client type associated with the client device (column 5 lines 5-18), to retrieve web content identified in the client request (column 4 lines 33-43),

to retrieve one or more augmentation files associated with at least one of the web content and the particular client type (column 8 lines 6-15), and

to alter the retrieved web content in accordance with the one or more augmentation files, wherein altered web content is delivered to client device (column 6 lines 23-31),

wherein the client device comprises a virtual client device having a combination of a plurality of different features provided by multiple distinct physical devices (column 3 lines 54-55).

Art Unit: 2157

13. In reference to claim 14, McCauley teaches an apparatus for use in a computer network, the apparatus comprising:

at least one at least one server within a network, the server being operative to process a client request generated by a client device to determine a particular client type associated with the client device (column 5 lines 5-18), to retrieve web content identified in the client request (column 4 lines 33-43),

to retrieve one or more augmentation files associated with at least one of the web content and the particular client type (column 8 lines 6-15), and

to alter the retrieved web content in accordance with the one or more augmentation files, wherein altered web content is delivered to client device (column 6 lines 23-31),

wherein the server processes the client request such that the request appears to originate from a virtual client device having a combination of a plurality of different features provided by multiple distinct physical devices (column 3 lines 54,55).

14. In reference to claim 16, McCauley teaches an apparatus for use in a computer network, the apparatus comprising:

at least one at least one server within a network, the server being operative to process a client request generated by a client device to determine a particular client type associated with the client device (column 5 lines 5-18), to retrieve web content identified in the client request (column 4 lines 33-43),

to retrieve one or more augmentation files associated with at least one of the web content and the particular client type (column 8 lines 6-15), and

to alter the retrieved web content in accordance with the one or more augmentation files, wherein altered web content is delivered to client device (column 6 lines 23-31),

wherein at least one of the augmentation files comprise a default augmentation file stored on the at least one server (Figure 3, column 11 lines 54-67 and column 12 lines 8-16 & 28-40).

15. In reference to claim 17, McCauley teaches an apparatus for use in a computer network, the apparatus comprising:

at least one server within the network, the server being operative to process a client request generated by a client device to determine a particular client type associated with the client device (column 5 lines 5-18), to retrieve web content identified in the client request (column 4 lines 33-43), to retrieve one or more augmentation files associated with at least one of the web content and the particular client type (column 8 lines 6-15), and to alter the retrieved web content in accordance with the one or more augmentation files, wherein the altered web content is delivered to the client device (column 6 lines 23-31);

wherein the server has access to a set of one or more default augmentation files, and the server is operative to attempt to retrieve a given one of the default augmentation files for use in altering the retrieved web content if the corresponding client request is determined to have no externally-retrievable augmentation files associated therewith (Figure 3, column 11 lines 54-67).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 6,15 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over McCauley et al. (U.S. Patent No. 6,626,958) in view of Tso et al. (U.S. Patent No. 6,421,733).

18. In reference to claims 6 and 15, McCauley teaches claims 1 and 14 respectively, as mentioned above, which includes an information server system responding to client requests for content (Summary). McCauley fails to explicitly teach wherein the server comprises a web proxy server configured between a device associated with the client and another server which provides the content identified in the client request. However, Tso discloses a transcoding web proxy server, located between a client and an Internet server identified in the client request, which dynamically transcodes Internet content, for the purpose of sending the content to a client in a way that conforms to that client type (Figure 3, column 3 lines 14-17 and column 14 lines 39,40,43-45 & 48-50).

It would have been obvious for one of ordinary skill in the art to modify McCauley by making the server system an intermediary proxy server which renders content between a client and the Internet as per the teachings of Tso for the purpose of sending the Internet content to a client in a transcoded way that conforms to that client type.

19. In reference to claim 20, McCauley teaches processing system comprising:

at least one at least one server within a network, the server being operative to process a client request generated by a client device to determine a particular client type associated with the client device (column 5 lines 5-18), to retrieve web content identified in the client request (column 4 lines 33-43),

Art Unit: 2157

to retrieve one or more augmentation files associated with at least one of the web content and the particular client type (column 8 lines 6-15), and

to alter the retrieved web content in accordance with the one or more augmentation files, wherein altered web content is delivered to client device (column 6 lines 23-31),

wherein the server parses the retrieved web content into one or more component structures, subsequently applies a pattern matching process to recognize designated component structure subject to alteration in accordance with the one or more augmentation files, wherein the pattern matching process comprises comparing a given one of the component structures of the retrieved web content to predetermined component structures represented by respective tokens in the one or more augmentation files (column 7 lines 1-11, column 8 lines 6-20 & 60-67 and column 9 lines 50-65).

McCauley fails to explicitly teach wherein the server comprises an interpolating proxy server coupled to the web server to process a client request. However, Tso discloses a transcoding web proxy server, located between a client and an Internet server identified in the client request, which dynamically transcodes Internet content, for the purpose of sending the content to a client in a way that conforms to that client type (Figure 3, column 3 lines 14-17 and column 14 lines 39,40,43-45 & 48-50).

It would have been obvious for one of ordinary skill in the art to modify McCauley by making the server system an intermediary interpolating proxy server which renders content between a client and the Internet as per the teachings of Tso for the purpose of sending the Internet content to a client in a transcoded way that conforms to that client type.

Art Unit: 2157

20. Claims 10 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over McCauley et al. (U.S. Patent No. 6,626,958) in view of Li et al. (U.S. Patent No. 6,345,279).

21. In reference to claim 10, McCauley teaches the apparatus of claim 9 above. McCauley does not explicitly teach wherein the context element comprises a structure scope constraining expression containing one or more instructions of the form pattern:replacement, each specifying a particular replacement from one of the augmentation files to be implemented upon detection of the corresponding pattern. However, Li teaches context elements with instructions of the form profile:replacement for specifying a replacement mechanism of content items to be used in altering a web document. The replacement mechanism of Li is in the form of an InfoPyramid structure in which multiple representations of transcoded items are stored, and then selected based on a client profile, so that the selected transcoded item can be applied to customizing a web document that is to be sent to a client device (column 5 lines 1-10 and column 6 lines 3-13 & 43-48).

It would have been obvious for one of ordinary skill in the art to modify McCauley wherein the context element comprises a structure scope constraining expression containing one or more instructions of the form pattern:replacement, each specifying a particular replacement from one of the augmentation files to be implemented upon detection of the corresponding pattern as per the teachings of Li so that the selected transcoded item can be applied to customizing a web document that is to be sent to a client device.

22. In reference to claim 11, McCauley teaches the apparatus of claim 9 above. McCauley fails to explicitly teach wherein the precedence element specifies an order of application of the instructions associated with context element. However, Li discloses an InfoPyramid structure

Art Unit: 2157

which details a specific order, via horizontal paths or vertical paths, in which the transcoding items will be applied to the an original web document to produce a customized web document to be sent to a client device (column 5 lines 1-10 and column 6 lines 43-48).

It would have been obvious for one of ordinary skill in the art to modify McCauley wherein the precedence element specifies an order of application of the instructions associated with context element as per the teachings of Li so as to produce a customized web document to be sent to a client device.

(10) Response to Argument

1. Regarding claim 1, on pages 8-9 of the Appeal Brief, Appellant argues that McCauley does not teach or suggest “*the claimed application of a pattern matching process to recognize designated component structure subject to alteration in accordance with one or more augmentation files*”. Appellant further argues “*that the terms ‘pattern’ or ‘matching’ do not appear anywhere in the text of the McCauley reference*”.

In reply, McCauley does teach the above mentioned limitations. McCauley discloses that each information page (i.e. “*retrieved web content*”) has page specifications (i.e. “*one or more component structures*”) (see column 4 lines 33-50). McCauley further teaches that a selection routine applies a comparison between client characteristics and pane rendering characteristics (which is equivalent to “*applies a pattern matching process*”) in order to select particular pane types that are subject to alteration in accordance to the pane renderers and page renderers (which is equivalent to “*to recognize designated component structure subject to alteration in*

accordance with one or more augmentation files”) (see column 8 lines 6-20, column 8 line 60 – column 9 line 15 and column 9 lines 50-65).

Furthermore, it is not a requirement that the words “pattern” or “matching” appear in the reference. Words or expressions that have nearly the same meaning and convey a synonymous concept as that of the claims can be used as a broad interpretation of the claims. Therefore, since McCauley states that client characteristics and pane rendering characteristics are compared in order to select an appropriate pane type (column 9 lines 55-65), then McCauley gives a clear example of matching HTML characteristics of a client (i.e. HTML capabilities of a client) to HTML characteristics of a pane renderer (column 8 lines 8-15). Pattern matching is interpreted to be synonymous with comparing HTML capabilities.

2. Regarding claims 2 and 3, on page 9 of the Appeal Brief, Appellant argues the claims are *“allowable for at least the reasons identified above with regard to claim 1”*.

In reply, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

3. Regarding claims 18 and 19, on page 9 of the Appeal Brief, Appellant argues the claims are *“allowable for substantially the same reasons that claim 1 is believed to be allowable”*.

In reply, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Art Unit: 2157

4. Regarding claim 4, on pages 9-10 of the Appeal Brief, Appellant argues that McCauley does not teach “*that augmentation files are co-located with web content at a site remote from that of the server*”.

In reply, the limitation “*at a site remote from that of the server*” is broad, and thus the “*site*” is broadly interpreted to be at the client as disclosed by McCauley (column 4 lines 62-65). Applicant has not specified where in particular the remote site is located.

5. Regarding claim 5, on page 10 of the Appeal Brief, Appellant argues that McCauley “*fails to teach or suggest patch files*”.

In reply, the limitation of “*wherein at least one of the augmentation files comprises a patch file*” is broad and is thus broadly interpreted. McCauley discloses page and pane renderers which are equivalent to augmentation files, since they are both used to alter web content (column 6 lines 35-53 and column 7 lines 5-16). Therefore stating that the augmentation file comprises a patch file, without further delimiting the properties of the patch file, is broadly interpreted to mean that the patch file also is used to alter web content. The page and pane renderers satisfy this limitation.

6. Regarding claim 7, on page 10 of the Appeal Brief, Appellant argues that McCauley “*fails to meet the limitations... which indicate that the server determines the client type using at least one of the listed elements*”, an HTTP Header element, a client-identifying cookie, or an HTTP GET request, as mentioned in the claim.

In reply, McCauley does teach the above mentioned limitations. McCauley discloses that the server distinguishes clients based on an HTTP protocol element, which has associated HTTP Header information and other HTTP inherent elements (see column 5 lines 1-15).

Art Unit: 2157

7. Regarding claim 9, on page 11 of the Appeal Brief, Appellant argues that “*McCauley fails to disclose make any arrangement involving a pattern matching expression comprising context, pattern, precedence and replacement elements*”.

In reply, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

8. Regarding claim 12, on page 11 of the Appeal Brief, Appellant argues that McCauley does not teach “*a single received client request that is associated with a plurality of different client devices*” because McCauley refers to multiple client devices.

In reply, Applicants claim language is broad and is therefore broadly interpreted. The claim states: “*wherein the received client request is associated with a plurality of different client devices*”. McCauley discloses that multiple client devices can send a request (column 3 lines 54,55). Therefore one request can be associated with one client device, while another request can be associated with another client device. In both instances it is a single request, but that single request can be from one of a plurality of different devices. The limitation “*associated*” is thus broadly interpreted.

9. Regarding claim 13, on pages 11-12 of the Appeal Brief, Appellant argues that McCauley fails to teach “*the limitations relating to the recited virtual client device*” which “*calls for a virtual client device having a combination of a plurality of different sets of features provided by multiple distinct physical devices*”.

In reply, Applicants “*virtual device*” broadly suggests that a virtual device simply has similar sets of features that distinct physical devices would have. Furthermore, applicant has not

excluded a virtual device from being an actual physical device. Therefore, McCauley's devices, which "[are] any device[s] such as a personal computer" (see column 3 lines 54,55), inherently have features that other "*distinct physical devices*" may have. In this case, the "*distinct physical devices*" are interpreted to be other personal computers. Since McCauley teaches the client device is a personal computer, then McCauley's personal computer will inherently have the same features that other personal computers may have.

10. Regarding claim 14, on page 12 of the Appeal Brief, Appellant makes the same exact argument for claim 14 as was made for claim 13 above.

In reply, the same response to arguments of claim 13 is applied as a response to arguments of claim 14.

11. Regarding claim 16, on pages 12-13 of the Appeal Brief, Appellant argues that the teachings of McCauley are insufficient to support anticipation of the "*limitation relating to a default augmentation file*".

In reply, Applicants claim language simply refers to a default augmentation file stored on the server. McCauley teaches the equivalence of this by disclosing default menu panes and default content panes (see Figure 3 and column 11 lines 61-64) which are stored on the server as objects (see column 7 lines 12-19). The default pane is then applied to content in order to provide a customized version of the content to a client (see column 11 lines 54-67 and column 12 lines 8-16 & 28-40).

12. Regarding claim 17, on page 13 of the Appeal Brief, Appellant argues that McCauley fails to teach the limitation of "*wherein the server has access to a set of one or more default augmentation files, and the server is operative to attempt to retrieve a given one of the default*

Art Unit: 2157

augmentation files for use in altering the retrieved web content if the corresponding client request is determined to have no externally-retrievable augmentation files associated therewith”.

In reply, McCauley does teach the above mentioned limitations. McCauley discloses selecting a default pane renderer when that pane renderer is the only available pane renderer to be selected (see column 11 lines 61-64). Since the default pane renderer is the only available pane renderer, then the client request will inherently be determined to have no other pane renderer associated with it, thus satisfying the limitation: “*determined to have no externally-retrievable augmentation file associated therewith*”.

13. Regarding claims 6 and 20, on page 13 of the Appeal Brief, Appellant argues that “*claims 6 and 20 are believed allowable for reasons similar to those identified above with regard to independent claim 1*”.

In reply, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

14. Regarding claim 15, on page 14 of the Appeal Brief, Appellant argues that McCauley and Tso fail to meet the limitations “*relating to an externally-retrievable augmentation file retrievable from another server external to the at least one server and having at least a portion of the web content associated therewith*”.

In reply, Tso was relied upon to teach this limitation. Tso does teach an externally-retrievable augmentation file retrievable from another server external to the at least one server. Tso discloses a proxy server which is external to a web server. Tso further discloses that the proxy server has a number of transcode service providers that it will selectively invoke to

Art Unit: 2157

transcode content received from the content server. The limitation of a “*file retrievable from another server*” is open-ended and does not suggest retrievable by whom. The proxy server is therefore the other server that is “*external to the at least one server*”. (see Figure 3, column 3 lines 14-17 and column 14 lines 39,40,43-45 & 48-50)

15. Regarding claim 10, on pages 14-15 of the Appeal Brief, Appellant argues that Li does not teach “*the context element comprises a structure scope constraining expression containing one or more instructions of the form pattern:replacement, each specifying a particular replacement from one of the augmentation files to be implemented upon detection of the corresponding pattern*”.

In reply, Li does teach the above mentioned limitations. Li discloses instructions on a server that implement the form profile:replacement, which is equivalent to the claimed pattern:replacement. Applicants “pattern” is broadly interpreted to be equivalent to the client profile of Li. This is because Li discloses the profile as a model that is referred to in order to choose a transcoding operation to be applied on the web content. Li therefore satisfies the claim limitation of detecting a pattern, wherein Li discloses identifying a client profile (column 6 lines 3-13). Li also satisfies the claim limitation of specifying a replacement from one of the augmentation files, based on the detected pattern, so as to use that augmentation file in altering web content, wherein Li discloses selecting a transcoded version of a content item (which is part of a web document that contains multiple content items), based on an identified client profile, so as to use that transcoding operation on an original web document and alter it for further transmission to the client (column 5 lines 1-10 and column 6 lines 43-48).

Art Unit: 2157

16. Regarding claim 11, on page 15 of the Appeal Brief, Appellant argues that Li does not teach “a pattern matching expression having a precedence element which specifies an application order for instructions of a context element”.

In reply, Li does teach the above mentioned limitations. Li discloses an InfoPyramid structure which details a specific order, via horizontal paths or vertical paths, in which the transcoding items will be applied to the an original web document (column 5 lines 1-10 and column 6 lines 43-48).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ramy M Osman
December 4, 2006



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